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## DICKINSON REPORT SUPPRESSED

### CATHCART REPEATS REFUSAL TO PROSECUTE

#### FINED \$100 FOR REMARK ON STREET IN JURY'S HEARING

There was an unexpected development this morning in the case against James Evans, who is charged before Judge Cooper and a jury with having assaulted a girl.

At an early hour this morning the court and the jury visited the scene of the alleged offense, and while the party was walking along Fort Street, a bystander was overheard to make some remarks concerning the case. That man was Joe Carlo, a pawnbroker, and immediately the court resumed its sitting a bench warrant was issued directing Carlo to appear before Judge Cooper. The bailiff was handed the warrant to execute, and shortly afterwards he returned to the courtroom accompanied by Carlo. Carlo entered the courtroom, and when the female witness had completed her testimony, Judge Cooper suggested that a recess be taken until terminated by the court.

Judge Cooper addressing Carlo said: "You were on Fort street when the court and the jury were passing along?"

Carlo—"I didn't know it was the jury. I knew you. I only said that if I were representing the case, I would do so and so. It was a coincidence that I spoke as you were pass-

ing. We had been up to the corner and—"

The Court—"You had no idea who it was—that it was the court and the jury?"

Carlo—"No, judge, your honor. I thought that it was merely a crowd that had collected to see this young man"—pointing to the defendant.

Judge Cooper—"You knew Attorney Brown, and you knew me."

Carlo repeated that he had no idea who the others were, and added that he could not remember having seen any particular person besides his honor.

Judge Cooper—"What did you say?"

Carlo—"I was arguing with a number of young men and I said 'If I were the judge I would liberate the boys and send the girls to the reform school.'"

Judge Cooper—"I do not take your view of the situation at all."

Carlo—"It was not made intentionally to harm any one. I—"

Judge Cooper—"I cannot comprehend it at all. You saw us go up and down the street together."

Carlo—"I didn't see the jury go up."

(Continued On Page Eight.)

#### COUNTY ATTORNEY AND DEPUTIES WILL WITHDRAW

City and County Attorney John W. Cathcart made a statement in the circuit court this morning, repeating his decision not to prosecute any more cases in that court, in view of the action of the attorney general in overriding his judgment in the matter of the Lane case.

Cathcart said that as he had been elected by the voters he felt it to be his duty to explain his position. He referred to a former case, in which Attorney General Lindsay had disagreed with him in the same way as in the Lane case and had later agreed with him and entered a nolle prosequi, just as Cathcart wanted to in the first place.

The county attorney said further

that he had investigated the facts in the Lane case. The facts were disgusting enough, he said, but his examination of the evidence convinced him that under the facts no conviction was possible on the indictment brought. He therefore proposed a nolle prosequi, following his judgment.

Finally, Cathcart said that as the attorney general saw fit to take such matters in his own hands, the county attorney's office would leave them to him. "Neither myself nor my deputies will appear in this court to prosecute cases and more," said Cathcart. "We will handle the cases in the police court. The attorney general may handle them in this court himself."

#### LANE-FERN CONTEST UP IN COURT AGAIN

There is beginning to be something definite about the Lane-Fern trouble now, for the proceedings in the Supreme Court this morning cleared the air somewhat, although Fern's troubles are not over yet, unless, of course, something unexpected happens. Paradoxical, as it may seem, there is every likelihood of the unexpected happening, for there were mutterings, mutterings that is for George Davis, at the conclusion of the Bright et al vs. Fern case this morning.

This morning's proceedings were in connection with the Bright and thirty others vs. Joseph Fern suit. As mentioned yesterday, two of those who signed the petition for a new contest, swore to affidavits setting out that they did not know what they were signing, and, therefore, wished to withdraw.

The point was taken that they could not withdraw, as the matters were beyond them, and were before the court.

For the other side it was contended that the men could withdraw if they wished, and further it was pointed out that the petition should be dismissed as there were less than the prescribed number of signatures to it, that is thirty-one.

The court this morning ruled that the petitioners could withdraw if they wished to, and as that reduced the number of signatures to less than the number required by the statute, the court was of the opinion that the petition should be dismissed, which was accordingly ordered.

Attorney Davis then moved that he be granted leave to amend the petition by adding the names of five more voters.

An argument took place on this question, and the court declined to accede to the motion.

The amended Lane-Fern contest was then referred to. Attorney Davis, who appeared for Lane, asked that it be set down for Monday next, as he was not quite ready. Attorney Thayer opposed this, and asked that the matter be set for trial tomorrow morning.

The court set the trial for tomorrow. The issue is now narrowed down to whether one hundred voters did fully exhibit their balloting papers while in the booth.

As Attorney Davis left the courtroom, he said to Senator-elect Judd that he was going to throw the thing up. The party had not backed him as it should have done. He added "I won't even go into court on the question of costs."

#### PAY A FINE OF \$5 AND SIN NO MORE

Special Officer Chilton, whose province it is to gather in those who exceed the speed limit within the city boundaries, had half-a-dozen automobilists before the court this morning, having tightened his net on Sunday last. The defendants were all first offenders, with the exception of Joseph Leal, and District Magistrate Lymer took a lenient view of all the cases, imposing the minimum penalty of \$5 in each instance. The defendants were A. W. T. Bottomly, W. H. B. Baird, Clive Davies, Bert Bowers, James Hart and Joseph Leal.

All pleaded guilty, taking it for granted that Chilton's estimate of their speed was correct.

Bottomly did not know he was exceeding the speed limit, though when he last looked at his speedometer it showed eighteen miles per hour, the limit being fifteen. Davies was very much concerned when he found he had exceeded the limit as he had been particularly careful not to do so, though he would not say that when he crossed the boundary his machine was not travelling at more than fifteen miles. He pointed out that where Chilton tested the speed was almost at the point where the speed dropped from twenty-five miles to fifteen miles per hour. He was quite sure that he did not exceed seventeen and on pointing this out to Chilton the latter tested his speedometer, which was three miles out, bringing Davies' speed to twenty miles. Davies thought that had Chilton chosen a little distance further in as the testing place, his speed would have been correct, as the car was slowing down.

Judge Lymer remarked that there was no question of criminal intent in the cases. The boundaries were clearly defined and it was the duty of the Court to enforce the law.

Chilton said there were no aggravating circumstances in any of the cases and he remarked that Leal and Bowers were both good and careful drivers. Though there was a previous conviction against Leal, Judge Lymer assessed all the fines alike.

Hunter Sutherland, an oiler from the Arizonian, was arrested this morning and detained for examination, it being believed that he is out of his mind. Sutherland has been acting in a very peculiar manner lately and he is now confined pending the result of the investigation now being made by Dr. Emerson.

#### TAFT WITHHOLDS REPORT OF THE WAR SECRETARY

(Associated Press Cable to The Star.)

WASHINGTON, D. C., December 15.—President Taft has instructed Secretary of War Dickinson to withhold the secret report which he proposed to make to Congress, and which the House of Representatives yesterday refused to receive as a secret document, on the ground that the House did not wish to hold a secret session. It is understood that the report contains military secrets which the executive does not deem it advisable to divulge.

The secretary of war has also been instructed by the President to reply to the resolution introduced yesterday by Representative McLachlan of California, in which McLachlan put forth alarmist statements as to the unprotectedness of the Pacific Coast, and demanded that the war department take steps immediately to provide means of resisting invasion.

WASHINGTON, D. C., December 15.—General Wood, chief of staff, was before the House military committee today. He urged the necessity of preparation for war. He declared himself in favor of a National Council for Defense, as a permanent policy.

#### ASQUITH'S VICTORY DECISIVE ONE

(Associated Press Cable to The Star.)

LONDON, December 15.—Today's figures give the government a clear majority of all the House of Commons and a lead over the opposition of nearly a hundred votes, with 64 constituencies still to be heard from. The government has now elected 349 members and the opposition 257, making the victory a decisive one for the Asquith forces.

WASHINGTON, D. C., December 15.—Willis Van Devanter of Wyoming and Joseph R. Lamar of Georgia were today confirmed by the Senate as associate justices of the United States Supreme Court.

WASHINGTON, D. C., December 15.—It is announced that General Frederick Funston will be the commander of the department of Luzon, Philippine Islands, after January 15.

#### TWENTY-FOUR LIVES LOST

LONDON, December 15.—The German steamer Palermo has been wrecked off the coast of Spain, with loss of 24 lives.

BERNE, December 15.—Marcemile has been elected president of Switzerland.

PHILADELPHIA, December 15.—Congressman Cook, who suffered a stroke of paralysis several days ago, died today.

**ROYAL BAKING POWDER**  
Absolutely Pure  
The only baking powder made from Royal Grape Cream of Tartar  
No Alum, No Lime Phosphate

**MINERS ENTOMBED.**  
LEYDEN, Col., December 15.—Ten miners have been entombed by a mine explosion here.

**PNEUMONIA PREVENTED.**  
The greatest danger from influenza is of its resulting in pneumonia. This can be obviated by using Chamberlain's Cough Remedy, as it not only cures influenza, but counteracts any tendency of the disease towards pneumonia. For sale by all dealers. Benson, Smith & Co., agents for Hawaii.

Fine Job Printing, Star Office.

**Banister's**

New Styles  
—Just In—  
Tan Russia  
Gun Metal  
Vici Kid and  
Tan Vici Kid

Manufacturers'  
Shoe Co., Ltd.  
1051 Fort Street

#### SUPERVISORS OFF ON TOUR TO INSPECT OAHU ROADS

The members of the board of supervisors, who are soon to retire from office, this morning started on a tour of the island, to inspect the roads to which they have given so much attention during the past two years. They went with "Jim" Quinn, chairman of the road committee, in one of Quinn's automobiles, and made an early start, planning to have a look at all the work done during their term.

Road work has been a very prominent feature of the board's work, and the members feel satisfied that they have made a record that is very creditable. More has been accom-

plished, in road construction and improvement, than has ever been done in the same length of time before, and Chairman Quinn says that it is work that will last. Much has been done towards the belt road, and the road round the island is in better condition, on an average, than it ever was before.

The members of the board are getting ready now to clean up their desks and turn them over to the new board. "Two years show a lot of work done," said one of the members, "and a lot of good legislation enacted, and we leave a good cash surplus for the new board to start with."

**SOUVENIR DAY AT SACHS.**  
Remember that Saturday Dec. 17th, is Souvenir Day at Sachs' Big Store. Hand-painted Calendars or Book given away with every purchase of \$2.50 or more.

#### RIOTS IN CHICAGO

CHICAGO, December 15.—One person was killed and a number were wounded today, in a clash between the police and striking garment-makers.

#### GRINBAUM DEAD

Theo. H. Davies & Company this morning received a cable from Germany, telling of the death of M. S. Grinbaum, who was once a prominent Honolulu business man. The cable was from Mrs. Grinbaum. The deceased was between seventy and eighty years of age. He was the head of the firm of M. S. Grinbaum & Co., which discontinued in 1908, when the deceased retired from business.

Thursday, December 15, 1910.  
Victoria—Arrived, Dec. 14, 8. S. Moans, from Honolulu, Dec. 7.  
Hilo—Sailed Dec. 13, 8. S. Enterprise, for San Francisco.  
Kahului—Sailed Dec. 11 8. S. Alahua, for Salina Cruz.

**The Record Of  
What We Have  
Done**

should convince you that we will make a better Administrator, Executor or Trustee than an individual who may be untried and inexperienced in such matters.

Consult us in making your Will.

**Hawaiian Trust Company, Limited**  
925 Fort Street.